

REMARKS

The Office Action of January 17, 2007 has been carefully considered.

It is noted that claims 1, 4 and 13 are rejected under 35 U.S.C. 103(a) over the patent to Lin in view of the patent to Schmidt.

Claims 5, 9 and 11 are rejected under 35 U.S.C. 103(a) over Lin.

Finally, it is noted that claims 2 and 12 would be allowable if rewritten in independent form.

In view of the Examiner's rejections of the claims applicant has amended claims 1 and 11.

It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Lin, it can be seen that this patent discloses an elevator safety apparatus in which the elevator guide rail has a protruded portion 11 facing the elevator car, which protruded portion has a

series of stopping teeth 12. A stopping bar 22 is pivotably mounted to the elevator car so that one end 22A can engage the teeth 12 of the guide rail 10. As described by Lin in column 4, lines 5-19, the head 22A of the stopping bar 22 automatically moves to engage the teeth 12 upon freefall of the elevator car. Contrary to the Examiner's position, applicant submits that Lin does not disclose engagement members that are arranged to permanently secure the guide rail to the hoistway. There is no discussion by Lin of how the guide rail 10 is secured to the hoistway. The passage cited by the Examiner only deals with the operation of the safety apparatus, without mention of how the guide rail is fastened to the wall of the shaft, let alone any mention of the teeth 12 being arranged to permanently secure the guide rail to the hoistway. Furthermore, Lin does not teach engagement members provided as holes in the guide rail or as elements temporarily fixed to the guide rail.

Still further, Lin does not teach a stop bar that is selectively moveable between a use position and a storage position. The stopping bar 22 of Lin is not selectively movable but instead moves automatically into the use position when the elevator car is in freefall.

The patent to Schmidt, et al. discloses a weight distributing hitch assembly. As applicant has previously argued, this reference is completely irrelevant and unrelated art. There is nothing in the teachings concerning a vehicle hitch assembly which would suggest any type of modification of an elevator safety apparatus. Applicant does not

see how a person of ordinary skill in the elevator art would have any motivation to look to trailer hitch technology for teachings concerning a safety apparatus for an elevator. However, even if the references are combinable, they do not teach an assembly for providing a temporary safe space within an elevator hoistway, which assembly includes a stop bar selectively movable between a use position and a storage position, and engagement members that are elements arranged to permanently secure the guide rail to the hoistway, holes in the guide rail or elements temporarily fixed to the guide rail, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of claims 1, 4 and 13 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

Furthermore, for the same reasons given above in connection with the discussion of the Lin patent, the rejection of claims 5, 9 and 11 under 35 U.S.C. 103(a) is overcome and should be withdrawn.

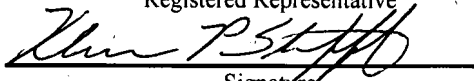
Reconsideration and allowance of the present application are respectfully requested.

In the event any actual fee is greater than any payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 06-2143.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450:

Klaus P. Stoffel


Name of applicant, assignee or
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Signature

May 17, 2007

Date of Signature

Respectfully submitted,



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